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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,078	03/16/2005	Holger Luehje	1-16784	8778
1678	7590	10/05/2005	EXAMINER	
MARSHALL & MELHORN FOUR SEAGATE, EIGHT FLOOR TOLEDO, OH 43604			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/511,078

Applicant(s)

LUETHJE ET AL.

Examiner

Octavia Davis

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/29/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

Acknowledgment is made of applicant's preliminary amendment filed 10/12/04.

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the legal phraseology term "means" on line 4.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton.

Regarding claim 1, Walton discloses a load indicator comprising a check device for limiting an axial force operating between force-applying elements 11, 13 of a screw joint, the check device including signal value pick-up means 133, 136 from a measuring element whose electrical resistance

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is variable as a function of the operative axial force (See Col. 3, lines 13 – 17, Col. 4, lines 55 – 64, Col. 5, lines 1 – 7 and Col. 6, lines 3 – 35 and 46 – 51).

Regarding claim 2, a component 12 fixes a rotatable force-applying element 13 (See Col. 3, lines 13 – 30).

Regarding claim 3, the fixing component 12 includes the signal pick-up means 133, 136 (See Col. 6, lines 3 – 12 and 29 – 35).

Regarding claim 4, the signal value pick-up means has contact members 124, 131 (See Col. 5, lines 42 – 49 and 65 – 67 and Col. 6, lines 24 – 28).

Regarding claim 5, the signal value pickup means 133, 136 perform simultaneous measurement of one or more signal values (See Col. 6, lines 46 – 63).

Regarding claim 6, the component 3 is designed for fixing a bolt head 13 and the signal value pick-up means 133, 136 are located in the component and contact a washer (not shown) (See Col. 3, lines 13 – 18).

Regarding claim 7, the device provides an electrical connection to the electrical earth terminal to the measuring element 28, 29 (See Col. 6, lines 41 – 51).

Regarding claim 8, a plurality of connection parts 24, 25 are located in the force applying means 13 and are made of metal (See Col. 4, lines 20 – 31).

Regarding claim 9, the fixing component 12 is designed for fixing a recessed head 13, 16 (See Col. 3, lines 23 – 25).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walton in view of Payne.

Regarding claim 10, Walton discloses all of the limitations of these claims except for an acoustic or optical indicating device for adjusted axial force values. However, Payne discloses a strain indicator 36 comprising an optical indicator which upon projection causes its brightly colored external surface 48 to be exposed which indicates that a decrease in load on the fastener has taken place (See Col. 4, lines 20 – 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walton according to the teachings of Payne for the purpose of, utilizing an optical indicator to output a visual indication that a fastener is in a loosened condition to apply an appropriate torque to the fastener to re-extendable take up (See Payne, Col. 4, lines 27 – 33).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ceney (6,204,771) discloses load indicating fastener systems method and apparatus.

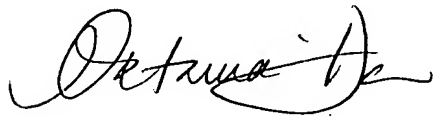
Kibblewhite (5,205,176) discloses an ultrasonic load cell with a transducer.

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Kibblewhite et al (5,112,248) disclose an electrical contact mechanism for ultrasonic transducers on fasteners.

7. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 872 - 9306.

A handwritten signature in black ink, appearing to read 'Octavia Davis', with a stylized flourish at the end.

OD/2855

9/30/05